

REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully requested.

The drawings were objected to because there are no reference numerals (except for Figure 3). The drawings are proposed to be corrected as described above. Enclosed are a set of proposed drawings, with corrections indicated in red ink. Moreover, the specification has been amended as set forth above to add the required reference numerals when referring to the drawings. It is submitted that no new matter has been added to the specification or to the drawings. It is requested that the changes to the specification and drawings be accepted and that the objection to the drawings be withdrawn.

The disclosure was objected to because of a few informalities. The specification has been amended in accordance with the Examiner's instructions. It is requested that the objection to the disclosure be withdrawn.

Claim 1 (and claim 2) was objected to because of an informality. Claims 1 and 2 have been amended in accordance with the Examiner's instructions. It is requested that the objection to the claims be withdrawn.

Claims 1-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Szabo (U.S. Patent 5,864,125) in view of Hohle et al. (Hohle) (U.S. Patent 6,101,477). For the reasons discussed below, Hohle is not valid prior art and, thus, may not be cited to reject the applicant's claims.

Hohle issued on August 8, 2000 based on an application filed on January 23, 1998. The present application claims the benefit of U.S. provisional patent application serial no. 60/251,610, filed December 6, 2000. It is submitted that the provisional patent application provides support for the present application as set forth in each of the claims and, thus, the provisional application establishes a filing date under 35 U.S.C. 102(b) for the claims in the present application of December 6, 2000. Hence, Hohle is not prior art under 35 U.S.C. 102(b).

since it was not patented (nor published) more than one year prior to the date of the application of the present application.

Moreover, the present application was invented before the issue date of Hoyle of August 6, 2000 and before the filing date of January 23, 1998 (i.e., the effective date of Hoyle), as evidenced by the attached declaration under 37 C.F.R. § 1.131 with attached documentary evidence. As described in the declaration, the invention as set forth in the claims of the present application was conceived of prior to January 23, 1998 and that due diligence was undertaken to reduce the invention to practice from prior to said date to the filing of this application. Thus, Hoyle is not prior art under either 35 U.S.C. 102(a) or 102(e). Since Hoyle is not prior art to the present application, it is requested that the rejection of claims 1-23 under 35 U.S.C. 103(a) be withdrawn.

Notwithstanding the fact that Hoyle is not prior art to the present application, various claims have been amended to change the phrase "physical location" to --facility-- (or "physical locations" to --facilities--) to clarify the intended meaning of this phrase. Claim 1 originally recited "A system for supplying information about a physical location visited during travelling by a user ...". Claim 1 also originally call for "the reader being disposed in or near a physical location disposed within the destination ..." Further, claim 1 originally recited "a control center receiving identification information identifying an identity of the physical location" To avoid the possibility of an interpretation that the identification information simply gives location (i.e., proximity) information (despite the fact that the prior two recitations clearly establish that "physical location" does not simply mean "physical position"), the phrase "physical location" has been changed to --facility--. Support for the use of the term "facility" is set forth throughout the specification, but paragraph number 40 on pages 8-9 is quite illustrative, and is repeated below:

"As will be discussed, a cardholder may be a consumer of products or services, a tourist visiting a city, a visitor to an interesting site or facility, such as a museum , or simply an individual seeking to obtain information about something he/she has seen. Potential card reader sites are numerous, and may include retail stores, museums, government facilities, residential homes, etc. Generally, any location about which information may be desired can be a card reader site."

Hence, the term "facility" means something (e.g., a store, home, museum, etc.) capable of being visited.

Claims 7, 8, 9 and 15 have been amended to clarify that information is supplied (by the control center) to a "final information destination" (originally, "location") associated with the device identification code of the portable device. Like the amendment discussed above, the term "location" does not necessarily mean location of the portable device, but rather a specified destination that is associated with that portable device. Thus, the information may be sent somewhere other than the portable device itself. Support for this amendment is set forth in the specification in paragraphs 64 and 72 (pages 15 and 19, respectively) (and other paragraphs in the specification).

Claim 18 has been amended to correct an inadvertent error. Namely, that the destination associated with a respective "portable device" (not reader) is identified by the user of that portable device. Support for claim 18 is set forth in the last two sentences of paragraph 54 (page 15) (and several other paragraphs) of the specification.

New claims 24-29 recite additional features of the present invention, as discussed below. The allowance of claims 24-29 is solicited.

Claims 24 and 25 depend respectively from claims 18 and 21 and specify that the destination (information destination in claim 25) associated with a portable device is an address, telephone number or e-mail address of the user. Thus, the information explicitly is not provided back to the portable device itself. Support for the recitations of claims 24 and 25 are set forth in the specification in paragraphs 43 and 64 (and others).

Claims 26 and 28 depend respectively from claims 1 and 16 and specify that the portable device "includes no other information readable by the reader other than the unique device identification code." Support for the recitations of claims 26 and 28 are set forth in the specification in at least paragraph 68.

Claims 27 and 29 depend respectively from claims 1 and 16 and specify that the control center is remote from the reader (readers). Support for the recitations of claims 27 and 29 is set forth in the specification in at least paragraph 40.

In light of the foregoing amendments and remarks, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

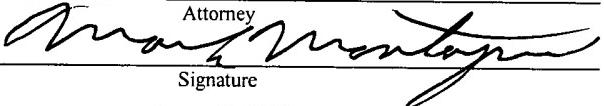
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